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Application Number 10/688,489

Filling Date October 16, 2003

First Named Inventor Jeffrey M. Linnen

Art Unit 1634

Examiner Name Lucas, Zachariah

Total Number of Pages in This Submission 148

ENCLOSURES (Check all that apply)

(to be used for all correspondence after initial			20003, 20	- Crianan		
Total Number of Pages in This Submission	Attorney Docket Number	GP140-04	GP140-04.UT			
ENCLOSURES (Check all that apply)						
Fee Transmittal Form Fee Attached  Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement  Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53	Dra Lic Per Pro Ch Re	awing(s) censing-related Papers elition elition to Convert to a ovisional Application ower of Attorney, Revoc nange of Correspondence erminal Disclaimer equest for Refund D, Number of CD(s) Landscape Table or	ation ce Address	PTO One pgs.	Appea of App Appea (Appea Proprio Status Other below /SB/08a foreign	Enclosure(s) (please Identify
	TURE OF	APPLICANT, AT	FORNEY, (	OR AG	ENT	
Firm Name  Gen-Probe Incorporated  Signature	Later Contract of the Contract	To the second	> <u>,</u>			
Printed name Michael J. Gilly						
Date November 23, 2004		Reg. No.	42,579	42,579		
CERTIFICATE OF TRANSMISSION/MAILING						
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:						
Signature						
Typed or printed name Michael J. Gilly				1	Date	November 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	) .	Group Art Unit: 1634		
Linnen et al.	) )	Examiner: Lucas, Zachariah		
Serial No.: 10/688,489	. )	Confirmation No. 3927		
Filed: October 16, 2003	)	Atty. Docket No.: GP140-04.UT		
For: Compositions and Methods for Detecting West Nile Virus	) ) )			

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b) & (c)

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

Applicants bring to the Examiner's attention the references listed on the enclosed form PTO/SB/08 (two copies) for consideration in connection with the examination of the above-identified application. A copy of the cited non-U.S. patent references is enclosed.

This Information Disclosure Statement is being submitted under 37 C.F.R. § 1.97(b) before the mailing date of a first Office action on the merits.

If Applicants are mistaken, and a first Office action on the merits was mailed on or before the certified date of transmission indicated below, then Applicants request that this Information Disclosure Statement be treated as a transmission under 37 C.F.R. 1.97(c) and that the fee due under 37 C.F.R. § 1.17(p) be charged to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Applicants respectfully request that the Examiner indicate consideration of the cited references by returning a copy of the enclosed form PTO/SB/08 with the Examiner's initials or other appropriate marks.

Respectfully Submitted,

Date: November 24, 2004

By:

Michael J. Gilly Registration Number 42,579

Agent for Applicants

GEN-PROBE INCORPORATED Patent Department 10210 Genetic Center Drive San Diego, California 92121

PH: 858-410-8657 FAX: 858-410-8928

PTO/SB/08A (08-03)

Complete if Known

10/688,489

Approved for use through 07/31/2006. OMB 0651-0031
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Application Number

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## **INFORMATION DISCLOSURE** STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Filing Date October 16, 2003 First Named Inventor Jeffrey M. Linnen Art Unit 1634 Lucas, Zachariah **Examiner Name** 

Attorney Docket Number GP140-04.UT

			U. S. PATENT	T DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2 (f known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		<sup>US-</sup> 2004/0229261 A1	11-18-2004	Young	
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		FORE	<b>IGN PATENT DOCU</b>	IMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document  Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
	•	WO2004/092412 A2	10-28-2004	F. Hoffman-LaRoche AG		
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Examiner		Date	
Signature	i	Considered	
		00110100100	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.